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New York Athletic Club of the
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OUR FILE: 10000578 JAVN/VW

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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12 CV 5838 (BSJ)

In the Matter of the Petition of
DANIEL FLORIO, as Owner of the
Motor Yacht "CAROLE JAYE", for
Exoneration from or Limitation
of Liability

**NOTICE OF MOTION
TO DISMISS PETITION
FOR LACK OF SUBJECT
MATTER JURISDICTION**

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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, and all prior pleadings and proceedings herein, Claimant NEW YORK ATHLETIC CLUB OF THE CITY OF NEW YORK, INC. ("NYAC") and Claimant THE NORTHERN ASSURANCE COMPANY OF AMERICA ("Northern Assurance"), as subrogee of the New York Athletic Club of the City of New York, Inc., by and through their attorneys, NICOLETTI HORNIG & SWEENEY, will move before the Honorable Barbara S. Jones at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order pursuant to Rule 12(b)(1) dismissing the Petition of DANIEL FLORIO, as Owner of the Motor Yacht "CAROLE JAYE", for Exoneration

from or Limitation of Liability due to lack of subject matter jurisdiction, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
September 27, 2012

NICOLETTI HORNIG & SWEENEY
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